

REMARKS

Claims 1-8 are pending and have been restricted under 35 U.S.C. § 121 into the following groups:

Group I: Claims 1-8, drawn to a method of detecting disease specific IgG for Graves' disease; and

Group II: Claims 8-53, drawn to a method of detecting disease specific IgG for Rheumatoid Arthritis.

The Examiner requests that one of the groups of claims be elected for examination. With traverse, Applicants elect the claims of Group I, claims 1-8, for examination.

Applicants respectfully point out that two separate requirements must be met in order for restriction to be proper. First, the inventions must be independent or distinct. Secondly, there must be a serious burden on the Examiner if restriction is required. See, for example, MPEP 803 (Restriction- When Proper), which states, in part:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

Page 800-3; emphasis added.

Thus, it is not sufficient for an Examiner to assert that patentably distinct inventions are present in order to restrict an application. There also must be a serious burden on the Examiner to search and examine the entire application. As evidenced by their classification in the same class (435) and subclass (7.1), a thorough search of the elected methods of Group I likely will result in art relevant to examination of the methods of Group II. Applicants submit that it would not present a serious burden for the Examiner to additionally search and examine the methods of Group II with the related subject matter of elected Group I.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including

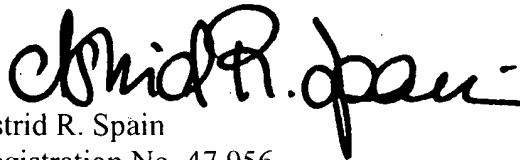
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extension of time fees, to Deposit Account 502624 and please credit any excess fees to such deposit account.

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Respectfully submitted,

McDERMOTT WILL & EMERY LLP

A handwritten signature in black ink, appearing to read "Astrid R. Spain", with a stylized flourish at the end.

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